1	JAMES A. ORONOZ, ESQ.	
2	Nevada Bar No. 6769 ORONOZ & ERICSSON LLC	
3	700 SOUTH 3RD STREET	
4	Las Vegas, Nevada 89101 Telephone: (702) 878-2889	
5	Facsimile: (702) 522-1542	
6	jim@oronozlawyers.com Attorneys for Jason Ross	
7	UNITED STATES DISTRICT COURT	
8	DISTRICT OF NEVADA	
9	DISTRICT	OF NEVADA
10))
11	UNITED STATES OF AMERICA,) CASE NO: 2:15-CR-302-JCM-CWH
12	Plaintiff,	UNOPPOSED MOTION TO CONDUCT A
13	vs.	PRE-PLEA PRESENTENCE INVESTIGATION REPORT AND
14	JASON ROSS,	PROPOSED ORDER
15	Defendant.))
16))
17	COMES NOW IASON POSS by ar	nd through his attorney of record IAMES A
18	COMES NOW, JASON ROSS, by and through his attorney of record, JAMES A.	
19	ORONOZ, ESQ., of the law firm ORONOZ & ERICSSON LLC, and hereby moves this	
20	Honorable Court to order the United States Department of Parole & Probation to conduct a pre-	
$\begin{bmatrix} 20 \\ 21 \end{bmatrix}$	plea presentence investigation report of JASON ROSS as soon as possible.	
$\begin{bmatrix} 21 \\ 22 \end{bmatrix}$		
23		
24		
$\begin{bmatrix} 24 \\ 25 \end{bmatrix}$		
26		
$\begin{bmatrix} 20 \\ 27 \end{bmatrix}$		
$\begin{bmatrix} 27 \\ 28 \end{bmatrix}$		
_0		

Case 2:15-cr-00302-JCM-CWH Document 29 Filed 03/01/16 Page 2 of 6

This request is based upon the pleadings and papers on file herein, the attached Memorandum of Points and Authorities, and any oral argument the Court may entertain. Dated this 19th day of February, 2016. /s/ James A. Oronoz JAMES A. ORONOZ, ESQ. Nevada Bar No. 6769 700 South Third Street Las Vegas, NV 89101 Attorney for Jason Ross

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15

16

17

18

19

20

21

22

23

24

25

26

27

28

MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

On October 27, 2015, a federal grand jury returned an Indictment charging the Defendant, Jason Ross, with one count of possession of a firearm by a convicted felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

II. LEGAL ARGUMENT

A presentence investigation may be initiated prior to entry of a guilty plea or nolo contendere or prior to the establishment of guilt. *See generally* Fed. R. Crim. P. 32.

Counsel requires a pre-plea presentence investigation report to determine whether Mr.

Ross is potentially eligible for Career Offender or Armed Career Criminal.

Counsel understands that Mr. Ross has prior felony convictions, however, counsel cannot accurately calculate whether Mr. Ross qualifies as a Career Offender or for the Armed Career Criminal ("ACCA") sentencing enhancement without the information that would be provided in the Pre-Plea PSR. Mr. Ross' eligibility for Career Offender and the ACCA will drastically impact his sentencing exposure, potential negotiations, and his decision as to how he should proceed in this matter. In addition, the timing of Mr. Ross' prior convictions could impact his sentencing guideline range and criminal history score. A pre-plea presentence investigation report will promote judicial economy and could greatly expedite the manner in which this case is resolved. Furthermore, Mr. Ross consents to the pre-plea presentence investigation.

Counsel has spoken to the Government and they do not oppose the instant motion.

Therefore, undersigned counsel respectfully requests this Court issue an Order directing the United States Department of Parole & Probation to conduct a pre-plea presentence investigation report of Mr. Ross as soon as possible.

CONCLUSION III. Based on the foregoing, Defendant asks this Court to grant his Motion to Conduct a Pre-Plea Presentence Investigation Report. Defendant further requests this Court order the United States Department of Parole & Probation to conduct a pre-plea presentence investigation report of Mr. Ross as soon as possible. Dated this 19th day of February, 2016. /s/ James A. Oronoz JAMES A. ORONOZ, ESQ. Nevada Bar No. 6769 700 South Third Street Las Vegas, NV 89101 Attorney for Jason Ross

UNITED STATES DISTRICT COURT **DISTRICT OF NEVADA** UNITED STATES OF AMERICA, CASE NO: 2:15-cr-302-JCM-CWH Plaintiff, **ORDER** VS. JASON ROSS, Defendant. IT IS HEREBY ORDERED that that the United States Department of Parole and Probation will prepare a Pre-Plea Presentence Investigation Report on Defendant JASON ROSS. DATED this 1st day of March , 2016.

Case 2:15-cr-00302-JCM-CWH Document 29 Filed 03/01/16 Page 5 of 6

1	CERTIFICATE OF ELECTRONIC SERVICE	
2	The undersigned hereby certifies that I am an employee of Oronoz & Ericsson LLC and	
3	is a person of such age and discretion as to be competent to serve papers.	
4	That on February 19, 2016, I served an electronic copy of the above and foregoing	
5	MOTION TO CONDUCT A PRE-PLEA PRESENTENCE INVESTIGATION REPORT AND	
7	PROPOSED ORDER by electronic service (ECF) to the person(s) named below:	
8		
9	DANIEL G. BOGDEN United States Attorney	
10	333 Las Vegas Blvd. South, #5000 Las Vegas, NV 89101	
11	Counsel for United States	
12	PHILLIP SMITH JR.	
13	Assistant United States Attorney 333 Las Vegas Blvd. South, #5000	
14	Las Vegas, NV 89101	
15	Counsel for United States	
16		
17	/s/ Lucas Gaffney, Esq.	
18	Employee of the Oronoz & Ericsson LLC	
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		